

State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration (HVACR)
Contractors

Meeting # 37 - Tuesday, May 3, 2016 - Public Meeting - Minutes

The Minutes of the Board meeting held on May 3, 2016 have not been formally approved and are subject to change or modification by the Public Body at its next scheduled meeting.

The notice of the May 3, 2016 meeting has been mailed to the Star Ledger, Camden Courier Post, and Trenton Times newspapers, and has also been posted on the Bulletin Board at the Office of the Secretary of State, Trenton, New Jersey.

The Board meeting of May 3, 2016 was called to order at 9:00 am with the following Members in attendance:

Michael K. Maloney, Chairman, Mechanical Inspector 2

Dominic D. Demico, Jr. - Mechanical Inspector 1 (absent)

Paul J. Mitchell - Master HVACR Contractor 3 - Board Secretary

Mary Pranzatelli - Public Member 2

Thomas C. Pitcherello
Executive Branch of State Government Representative

Kevin S. Clark - Master HVACR Contractor 1

William C. Barham – Master HVACR Contractor 2

Daniel G. Danko, Jr. - HVACR Journeyperson - Vice-Chairman

Board Complement: (9):

As of this meeting date, one (1) vacancy remains for a Public Member with the resignation of Mr. Griffith.

Attendees:

Joseph A. Donofrio, Counseling Deputy Attorney General (DAG)
Rosemarie Baccile, Acting Executive Director
Jamie Hall, Agency Services Representative [absent]

Court Reporter: Denise Sweet, CCR, State Shorthand Reporters 732-531-9500

Public Session Visitors:

Scott Bishop, TRV Mechanical
Dave Castner, SMWA L 22
Ed Janowiak, EHCC
Richard Coden
Patrick Stewart, NJACCA
Keith Konopka, # 3340
Anthony M. Scorciolla
Eric DeGesero, FMA, NJ

1. CALL TO ORDER

2. ROLL CALL

3. ON-LINE LICENSING APPLICATIONS UPDATE as of April 21, 2016

Licensed Master HVACR Contractors by Grandfathering: 19HC00798500

Application Review: 12,422- Total applicants by grandfathering

Total applicants in Deficiency Task: 1000 - Includes those in Criminal History, Student Loan, Child Support and Citizenship Tasks- These applicants have been notified by a deficiency letter that documents are required:

(- 652) Active in Criminal History Review – All applicants have been notified
= 348 applicants remaining in deficiency tasks.

2,194 Active in Post Board Review/ Waiting on Bonds, license fees and processing.

Licensed Master HVACR Contractors BY EXAM: 145(59 Denied) (6 Approved)

Reciprocity Applicants: 139- Pending Board Review with Regulatory Analyst

4. APPROVAL OF THE APRIL 5, 2016 MINUTES

A motion was made by Daniel G. Danko, Jr. and seconded by Kevin S. Clark to approve the minutes of the April 5, 2016 meeting. A vote was taken and the motion unanimously passed.

5. N.J.A.C. 13:32A-2.5
RECIPROCITY WITH OTHER STATES

On-line applications have been received from 139 individuals applying for a Master HVACR Contractor's license via reciprocity.

Applicants have submitted their reciprocity applications on-line from the States of New York, Pennsylvania, Maryland, Delaware, Ohio, Illinois, Florida and Alabama.

On May 3, 2016, Regulatory Analyst Charles Manning was in attendance to discuss the processing of these applications. Mr. Manning researched the regulations of the State of Delaware, and advised that their regulations are similar to those of New Jersey. It was noted that the State of Delaware does extend reciprocity to those in New Jersey. The Board will re-address this issue and review these applications.

6. DISCUSSION- HVACR CE WAIVER PROPOSAL
Charles Manning- Regulatory Analyst, Division of Consumer Affairs
N.J.A.C. 13:32A-4.4 CREDIT AWARD

On May 3, 2016, the Board voted in a motion made by Daniel G. Danko, Jr. and seconded by Thomas C. Pitcherello, to propose this amendment to the existing regulations, as follows:

N.J.A.C. 13:32A-4.4, Credit Awarded (c) A Master HVACR Contractor who has completed the continuing education (CE) requirements for renewal of a license as a master plumber, or as a plumbing inspector or mechanical inspector licensed by the Department of Community Affairs pursuant to N.J.A.C. 5:23-5.21, shall earn four (4) credits of CE. Such a master HVACR contractor shall be required to complete one (1) hour of CE in the statutes and regulations governing the practice of HVACR required by N.J.A.C. 13:32A-4.3.

A vote was taken and the motion unanimously passed.

- VOTE TO ADOPT -

6A. RENEWAL OF LICENSE; LICENSE REACTIVATION; LICENSE REINSTATEMENT

ADOPTED AMENDMENTS: N.J.A.C. 13:32A-3.1

ADOPTED NEW RULES: N.J.A.C. 13:32A-3.2 AND 3.3 - Adoption notice
Charles Manning- Regulatory Analyst, Division of Consumer Affairs

Mr. Manning was present on May 3, 2016 to discuss these amendments and noted that only one (1) comment– in support of the changes – had been submitted by licensee Dan O’Gorman. These amendments were printed as a proposal in the New Jersey Register on January 19, 2016.

On May 3, 2016 a motion was made by Daniel G. Danko, Jr. and seconded by Kevin S. Clark to adopt these new rules. A vote was taken and the motion unanimously passed.

Not on the published agenda ...

- GRANDFATHERED MASTER HVACR APPLICATION S- N.J.A.C 13:32A-2.6

On May 3, 2016, a discussion was held concerning many requests submitted to the Board where applicants are seeking a Master HVACR license by grandfathering well beyond the deadline end date of September 1, 2014.

Regulatory Analyst Charles Manning confirmed that the Board cannot legally issue a grandfathered MASTER HVACR license at this time. The “open ended” option was rejected during the development of the grandfathering provision, and therefore, the Board has no option but to deny these applications. Chuck Manning also advised that the legislature was made aware that the terms of the grandfathering provision would not permit an exemption or exception after the end date.

7. DISCUSSION-
ENFORCEMENT OF NEW JERSEY HVACR STATUTES AND REGULATIONS
STATE OF NEW JERSEY - STATE BOARD OF HVACR CONTRACTORS AND
THE DEPARTMENT OF COMMUNITY AFFAIRS

On May 3, 2016, the Board held a discussion of this matter in Executive Closed Session and returned to Open session, to report that this matter be re-scheduled for the June 7, 2016 meeting. A motion was made by Daniel G. Danko, Jr. and seconded by Paul J. Mitchell to propose July 1, 2016 as the official enforcement date for the Master HVACR license and respective permits and inspections. A vote was taken and the motion unanimously passed.

7A. Discussion – “Joint Trades Meeting”/ Condensate Piping
RE-VISITING JOINT MEETING OF TRADE BOARDS
MASTER PLUMBERS, HVACR, AND ELECTRICAL CONTRACTORS

MONDAY OCTOBER 16, 2015 -

DRAFT MINUTES #3 - installation, servicing and maintenance of condensate piping
Meeting attended by and minutes prepared by the Director’s Office

On April 5, 2016, a motion was made by Paul J. Mitchell and seconded by Daniel G. Danko, Jr., to discuss and clarify the condensate issue at the May 5, 2016 meeting. A vote was taken and the motion unanimously passed.

May 3, 2016 RECUSAL: Chairman Michael K. Maloney recused himself from participation in this matter based on his serving as the “Master Plumber” member on the State Board of Examiners of Master Plumbers.

On May 3, 2016, the Board held a discussion of this matter and concluded in a motion made by Paul J. Mitchell and seconded by Daniel G. Danko, Jr. to develop an interpretation of the condensate task as it concerns the “indirect waste,” and present this proposed language to the State Board of Examiners of Master Plumbers for their consideration.

The language proposed is as follows:

Master HVACR Contractors may run condensate lines into an indirect waste [receptacle] with an appropriate air gap or air break to an approved sanitary or storm drain system. A vote was taken and the motion unanimously passed.

This issue will be revisited on the June 7, 2016 agenda.

DAG Donofrio advised that the minutes of the joint meeting [drafted by the Director’s Office] are in preparation and need to be edited. [It is noted that Acting Executive Director Rosemarie S. Baccile was not in attendance at the Joint Meeting on October 16, 2015.]

8. CONTINUING EDUCATION
WELCOMING CONTINUING EDUCATION SPONSORS

All Licensed Master HVACR Contractors are exempt from the Continuing Education (5) five hour requirement for this first biennial renewal of July 1, 2016 to June 30, 2018, according to N.J.A.C 13:32A-4.1 License Renewal; Continuing Education Requirement.

All Licensed Master HVACR Contractors must complete the (5) five hour requirement CE requirement for the following biennial renewal:

July 1, 2018 to June 30, 2020

This requirement must be met before the next renewal date of July 1, 2018 in order to properly renew for the 2018 to 2020 biennial.

To assist Master HVACR Contractors with meeting the (5) hour Continuing Education requirement, the Board will approve CE Sponsors/courses, and post that information at the HVACR website, once available.

The following individuals have submitted their requests and resumes for consideration to teach HVACR continuing education:

- A. Anthony M. Scorciolla, Training Coordinator, Local 68 Training Center
Master HVACR Contractor #19HC0078410
CE SPONSOR REQUEST

On May 3, 2016, Anthony M. Scorciolla was present to discuss his resume and request for approval as a CE sponsor. A motion was made by Daniel G. Danko, Jr. and seconded by Thomas C. Pitcherello, to approve Anthony M. Scorciolla as a CE Sponsor. A vote was taken and the motion unanimously passed.

- B. Edward M. Janowiak, Technical Director, Eastern Heating & Cooling Council
Master HVACR Contractor #19HC0060920
CE SPONSOR REQUEST

On May 3, 2016, Edward M. Janowiak was present to discuss his resume and request for approval as a CE sponsor. A motion was made by Kevin S. Clark and seconded by Daniel G. Danko, Jr., to approve Edward M. Janowiak as a CE Sponsor. A vote was taken and the motion unanimously passed.

INQUIRIES

9. EMAIL- March 17, 2016 - SENATE, NO. 1918
STATE OF NEW JERSEY - 217th LEGISLATURE- Introduced March 10, 2016
FROM- Francesca Flanagan
Requires public institutions of higher education to waive or reimburse application fees and transcript fees for veterans and members of military.

On May 3, 2016, the Board discussed this bill and responded in favor of this legislation in a motion made by Paul J. Mitchell and seconded by William C. Barham. A vote was taken and the motion unanimously passed.

10. EMAIL- March 23, 2016 – Request for Bill Comment S1902
217th LEGISLATURE - Introduced March 10, 2016
S1902- Regulates installation, maintenance, and repair of low- voltage alarm system
FROM- Francesca Flanagan

The HVACR Board Members discussed how this legislation involves the handling of the thermostat which is part of HVACR scope of practice tasks. Members were not in favor of this bill and expressed their opposition insofar as this legislation infringes on their statutory authority. A motion was made by Paul J. Mitchell and seconded by Daniel G. Danko, Jr. A vote was taken and the motion unanimously passed.

11. EMAIL- March 28, 2016- Chun Eng
Request to be grandfathered

On May 3, 2016, the Board discussed the email submitted by Chun Eng, and concluded as follows in a motion made by Kevin S. Clark and seconded by Daniel G. Danko, Jr., that:

- Existing New Jersey HVACR Statutes and Regulations will not permit Mr. Eng to grandfather at this point in time;
- The grandfathering phase was in affect from March 1 2014 to September 1, 2014;
- Members noted that Chun Eng holds a Master Plumber’s license and, therefore, he is permitted to install boilers;
- Mr. Eng may consider the alternatives available to him by way of subcontracting the refrigeration portion to an already licensed Master HVACR Contractor, or, he may hire a licensed Master HVACR to serve as the bona fide representative for his business;
- Mr. Eng may also consider the examination option for a Master HVACR license.

A vote was taken and the motion unanimously passed

12. EMAIL- March 30, 2016– Rick Casino

Inquiry- Can I attain a HVACR license without meeting the new apprenticeship requirement based on my years of experience?

On May 3, 2016, the Board discussed the email submitted by Rick Casino, and concluded, as follows, in a motion made by Kevin S. Clark and seconded by Daniel G. Danko, Jr., that:

- Existing New Jersey HVACR Statutes and Regulations will not permit Mr. Casino to grandfather for his license at this point in time;
- Members noted that any applicant for a Master HVACR license must meet the requirements for examination reflected in the existing Statutes and Regulations;
- The applicant if in business, may consider the alternatives available to him by way of subcontracting the HVACR work to an already licensed Master HVACR Contractor, or, he may hire a licensed Master HVACR to serve as the bona fide representative for his business.

A vote was taken and the motion unanimously passed

13. EMAIL– April 1, 2016- Tracy E. Moss, LUTCF
Corporate Contract Manager

Inquiry- Is it required to have an HVACR license if you install a home automated system that can control a residential use thermostat via wireless access?

On May 3, 2016, the Board discussed this matter and concluded in a motion made by Daniel G. Danko and seconded by Kevin S. Clark, that yes— a Master HVACR license is required for the tasks described by the writer.

This response is based on existing New Jersey HVACR Statutes and Regulations, namely [N.J.S.A. 45:16A-2. Definitions relative to licensing of HVACR contractors.](#)

A vote was taken and the motion unanimously passed.

14. EMAIL– April 4, 2016- Jung Pak
Inquiry- Can I attain a HVACR license based on my years of experience without the examination?

On May 3, 2016, Board Members discussed Mr. Pak's request to obtain a Master HVACR license by his length of experience and without examination. A motion was made by Daniel G. Danko, Jr. and seconded by Paul J. Mitchell, to:

- Deny Mr. Pak's request insofar as existing regulations do not permit an applicant to gain a Master HVACR license solely by experience and without the required examination;
- Applicants must meet the requirements outlined in N.J.A.C. 13:32A-2.2 EDUCATION REQUIREMENTS, and proceed to test and pass the examination;
- Advise Jung Pak to refer to existing New Jersey HVACR Statutes and Regulations to seek the requirements for a Master HVACR license by examination and continue his pursuit toward gaining his license.

A vote was taken and the motion unanimously passed.

15. EMAIL– April 4, 2016- John Paduano
Inquiry- How do I get a Master HVACR licenses for two of my mechanics provided that they have anywhere between fifteen to thirty years of experience and are certified in the field?

On May 3, 2016, Board Members discussed Mr. Paduano's inquiry, and concluded in a motion made by Daniel G. Danko, Jr. and seconded by Thomas C. Pitcherello, to respond as follows:

- Deny Mr. Paduano's request to grant a license to his mechanics insofar as existing regulations do not permit an applicant to gain a Master HVACR license solely by experience and without the required examination;
- Applicants must meet the requirements outlined in N.J.A.C. 13:32A-2.2 EDUCATION REQUIREMENTS, and proceed to test and pass the examination;

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Continued

15. EMAIL– April 4, 2016- John Paduano

Inquiry- How do I get a Master HVACR licenses for two of my mechanics provided that they have anywhere between fifteen to thirty years of experience and are certified in the field?

- Advise John Paduano to refer to existing New Jersey HVACR Statutes and Regulations to seek the requirements for a Master HVACR license by examination and continue his pursuit toward his mechanics gaining their respective license(s);
- Existing New Jersey HVACR Statutes and Regulations do not allow any applicant to grandfather at this point in time, and no exemption or exception is permitted.

A vote was taken and the motion unanimously passed.

16. EMAIL– April 5, 2016- Michael Leach

Inquiry- Can a HVACR license holder wire a replacement air conditioning condenser to an existing disconnect of adequate size?

On May 3, 2016, Board Members discussed Mr. Leach's inquiry, and concluded in a motion made by Daniel G. Danko, Jr. and seconded by Kevin S. Clark, to respond as follows:

Refer Mr. Leach to existing New Jersey HVACR Regulations N.J.A.C. 13:32A-1.3 ELECTRICAL WORK (voltage) and N.J.A.C. 13:32A-1.2 DEFINITIONS as follows:

"HVACR" also means the provision of propane services and the installation, servicing, connecting, maintenance, or repair of the following:

10. In replacement cases only, the connection of the wiring from an equipment service disconnect box of adequate size to accommodate pneumatic and/or direct digital controls and control piping of automatic oil, gas, coal burning, or any other product of combustion equipment, mechanical refrigeration equipment, gasoline, or diesel oil dispensing equipment previously dedicated to that equipment, as long as:

- i. The heating or cooling capacity of each piece of equipment is 25 tons or less;
- ii. The voltage of the system is 240 volts or less; and
- iii. The connection of the wiring is performed according to all relevant provisions in the Uniform Construction Code.

A vote was taken and the motion unanimously passed.

17. EMAIL- April 14, 2016- Debra Fortunato

Owner/Operator Fortunato Concrete Pool Restorations Inc.
request the company to be grandfathered in order to continue doing gas lines.

On May 3, 2016, Board Members discussed this inquiry and concluded in a motion made by Daniel G. Danko and seconded by William C. Barham, that existing New Jersey Plumbing and HVACR Statutes and Regulations govern the task of gas piping, and therefore, only Licensed Master Plumbers and Licensed Master HVACR Contractors are authorized to perform gas piping.

The Board denies the request for Fortunate Concrete Pool Restorations, Inc. to be grandfathered. Existing New Jersey HVACR Statutes and Regulations do not allow any applicant to grandfather at this point in time, and no exemption or exception is permitted. However, the option to apply for the Master HVACR examination is available to anyone meeting the qualifications.

More immediately, this entity may continue its business by either subcontracting those gas piping services to a Licensed Master HVACR Contractor, or they may hire a Licensed Master HVACR Contractor to serve as the bona fide representative for the entity.

A vote was taken and the motion unanimously passed.

18. EMAIL- April 18, 2016- Eric DeGesero - Fuel Merchants Association of New Jersey

Inquiry - Is the installation of generators within the scope of practice of HVACR contracting?

On May 3, 2016, the Board discussed Mr. DeGesero's inquiry and concluded in a motion made by Daniel G. Danko, Jr. and seconded by Paul J. Mitchell, that master HVACR contractors can install generators, pursuant to N.J.A.C. 13:32A-1.2, in that the definition of HVACR includes the installation, servicing, connecting, maintenance, or repair of pneumatic and/or direct digital controls and control piping of automatic oil, gas, coal burning, or any other product of combustion equipment. However, the Board also noted that any electrical work associated with the installation of a generator is limited by the restrictions contained in N.J.A.C. 13:32A-1.3(a).

A vote was taken and the motion unanimously passed.

19. LETTER- March 17, 2016- Byron R. Vile, Jr., HVACR applicant # 1893195
Qualifications Review - Mr. Vile did not apply for grandfathering and seeks approval for the HVACR examination.

On May 3, 2016, the Board discussed this matter and considered the request of Mr. Vile to be considered as an examination candidate for his Master HVACR license. Thus far, Mr. Vile has been unable to produce the documentation as evidence that he has completed the Cape May County Vocational School training which he indicated on his initial application. Additionally, he has not produced any further documentation to support his satisfying the qualifications outlined in N.J.A.C. 13:32A-2.2 EDUCATION REQUIREMENTS.

The Board denied Mr. Vile's request for approval as an HVACR examination candidate insofar as he does not meet the statutory requirements. Mr. Vile may continue his education and re-apply at a later date. A motion was made by William C. Barham and seconded by Daniel G. Danko, Jr. A vote was taken and the motion unanimously passed.

20. DISCUSSION- Boiler Backflow Information
FROM: John C. Bennett Plumbers & Pipefitters Local No. 9 Education Fund
Approved CE Sponsor

Diagrams presented for the information of the Board, accepted and no comment.

PUBLIC COMMENT PERIOD

The Board dedicated a portion of this meeting to allow the public to comment.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Kevin S. Clark and seconded by Daniel G. Danko, Jr. to proceed into Executive Closed Session to review consumer complaint matters, conduct investigative inquiries, discuss unlicensed advertisements, unlicensed practice matters, consider administrative closings, investigations of possible violations of applicable law, pending or anticipated litigation, matters under investigation, the DAG caseload, and review matters within the attorney-client relationship exception to the Open Public Meetings Act.

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The subject of this discussion shall remain confidential until such time as the reasons for having this matter in Executive Closed Session are no longer applicable. A vote was taken and the motion unanimously passed.

Submitted by,

Rosemarie S. Baccile, Acting Executive Director